

City of Mississauga

Memorandum:

City Department and Agency Comments

Date Finalized: 2025-02-27	File(s): A518.24
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date: 3/6/2025 1:00:00 PM

Consolidated Recommendation

The City has no objection to the application, subject to the condition.

Application Details

The applicant requests the Committee to approve a minor variance to allow for the construction of a new dwelling proposing:

1. A lot frontage of 20.42m (approx. 67.00ft) whereas By-law 0225-2007, as amended, requires a minimum lot frontage of 22.50m (approx. 73.82ft) in this instance;
2. A dwelling height (flat roof) of 12.00m (approx. 39.37ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;
3. An accessory structure area of 37.93sq m (approx. 408.28sq ft) whereas By-law 0225-2007, as amended, permits a maximum accessory structure area of 20.00sq m (approx. 215.28sq ft) in this instance;
4. A driveway width beyond 6.0m of a garage face of 14.83m (approx. 48.66ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width beyond 6.0m of a garage face of 8.50m (approx. 27.89ft) in this instance;
5. A dwelling depth of 26.39m (approx. 86.59ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;
6. A driveway width within 6.0m of a garage face of 14.83m (approx. 48.66ft) whereas By-law 0225-2007, as amended, permits a maximum driveway width within 6.0m of a garage face of 10.50m (approx. 34.45ft) in this instance;
7. A walkway attachment width of 3.00m (approx. 9.84ft) whereas By-law 0225-2007, as amended, permits a maximum walkway attachment width of 1.50m (approx. 4.92ft) in this instance;
8. 2 walkways attached to the driveway on the same side whereas By-law 0225-2007, as amended, permits a maximum of 1 walkway attachment per side in this instance;
9. A garage area of 127.83sq m (approx. 1375.96sq ft) whereas By-law 0225-2007, as amended, permits a maximum garage area of 75.00sq m (approx. 807.30sq ft) in this instance;
10. An accessory structure height of 4.69m (approx. 15.39ft) whereas By-law 0225-2007, as

amended, permits a maximum accessory structure height of 3.50m (approx. 11.48ft) in this instance; and,

11. An eave height of 7.62m (approx. 25.00ft) whereas By-law 0225-2007, as amended, permits a maximum eave height of 6.40m (approx. 21.00ft) in this instance.

Recommended Conditions and Terms

Should the Committee see merit in the application, Transportation and Works staff are recommending the following condition:

Documented evidence of the land exchange be provided to Transportation and Works staff.

Background

Property Address: 780 Parkland Ave

Mississauga Official Plan

Character Area: Clarkson - Lorne Park Neighborhood
Designation: Greenlands; Residential Low Density I

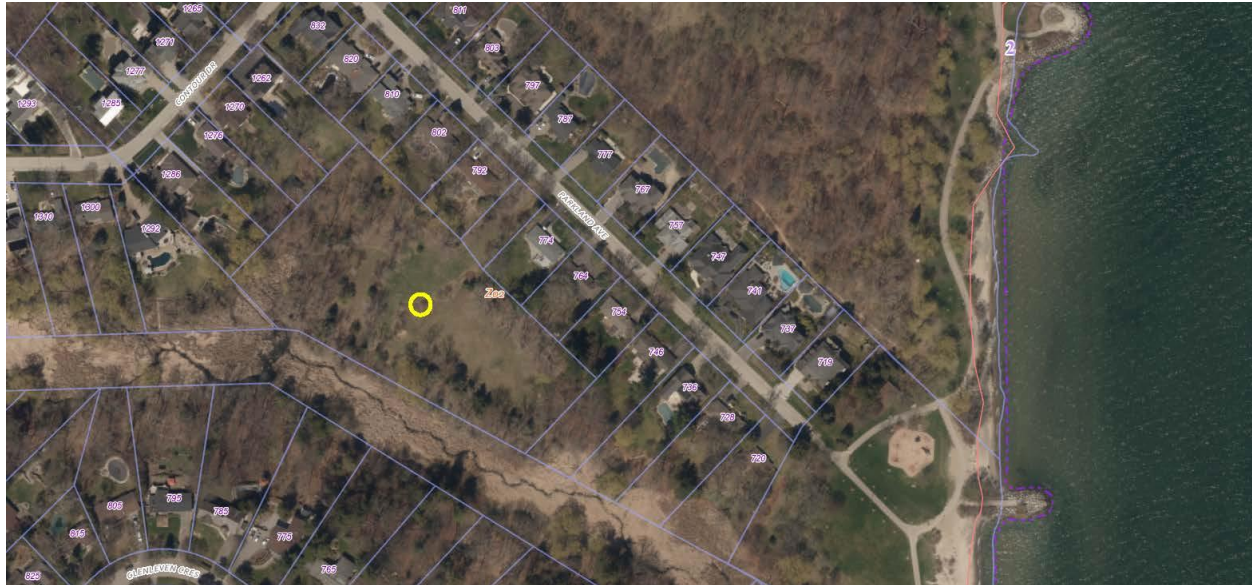
Zoning By-law 0225-2007

Zoning: R2-4 - Residential
Other Applications: IZR SP 24-2323

Site and Area Context

The subject property is located within the Clarkson-Lorne Park Neighbourhood Character Area, south of Lakeshore Road West and west of Parkland Avenue. The neighbourhood is primarily residential consisting of one and two-storey detached dwellings with mature vegetation and landscape elements in the front yards. The subject property is a vacant parcel of land, approximately 3.7 acres in size. The lot is accessed through 0 Bernida Road, which is a City-owned parcel of land.

The applicant is proposing a two-storey detached dwelling requiring variances for lot frontage, driveway width, dwelling height, eave height, dwelling depth, walkway attachment width, number of walkways, garage area and accessory structure area and height.



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

Planning staff note that the application was before the Committee of Adjustment on November 21, 2024. Staff had recommended the file be deferred due to concerns regarding access through an undeveloped right of way, 0 Bernida Road. At the time of initial application, there was no development planned of Bernida Road so the applicant proposed access to the property byway of an encroachment agreement over the Bernida Road. Transportation and Works staff had objections to the encroachment agreement approach to gain site access. As such, the application was deferred to allow the applicant an opportunity to resolve concerns regarding appropriate access and adequate servicing.

The applicant has since worked with Planning, Realty Services and Transportation and Works staff regarding the access issue. Currently the applicant and the City (Realty Services) are working on a land exchange agreement, wherein the applicant will acquire the Bernida Road lands (City owned) in order to obtain Municipal frontage on Parkland and achieve site servicing

of the property. Further, as part of the exchange, the City will receive the top of bank hazard lands at the rear of the property to be incorporated in the stormwater infrastructure.

The application was again heard on the February 13, 2025, hearing, wherein the file was deferred to allow the applicant an opportunity to post the correct notice signage in accordance with the legislation and for staff to provide additional information. No changes have been made to the proposal.

Does the proposal maintain the general intent and purpose of the Official Plan?

The site is located within the Clarkson-Lorne Park Character Area and is designated Residential Low Density I and Greenlands by the Mississauga Official Plan (MOP). The Residential Low Density I designation permits detached dwellings in this instance. Section 9 of MOP promotes development with appropriate urban form and site design, regulating that such development is compatible with the existing site conditions, the surrounding context, and the landscape of the character area. Planning staff are of the opinion that the proposed built form is appropriate for the subject property given surrounding conditions and will not negatively impact the streetscape. Therefore, planning staff are of the opinion that the general intent and purpose of the official plan are maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 pertains to lot frontage. Staff note the lot already exists and the variance is to legalise the existing lot and staff have no concerns.

Variance #2 and Variance #11 request an increase in dwelling and eave height respectively. The intent of restricting height to the highest ridge and eaves is to lessen the visual massing of dwelling by lowering the overall pitch of the roof and bringing the edge of the roof closer to the ground. This keeps the overall height of the dwelling within human scale. Staff note that while the roof is technically a flat roof due to slope calculation, the roof appears sloped from the streetscape thereby reducing its impact. Staff also note that the maximum height variance only applies to a portion of the roofline due to its design having multiple levels. The grading of the lot, for significant portions of the property, has an average grade that is below the finished grade, reducing the appearance of the overall height of the structure. Furthermore, the design incorporation of architectural features like varying rooflines and windows further mitigates any massing impacts. Staff are satisfied that the proposed increases in height are appropriate for the subject property.

Variances #3 and #10 pertain to the accessory structure area and height respectively. The intent of the zoning by-law provisions regarding accessory structures is to ensure that the structures are proportional to the lot and are clearly accessory, while not presenting any massing concerns to neighbouring lots. Staff note that the by-law allows an accessory structure combined area of 60m² (645.83ft²) for lots 750m² (8072.93ft²) or larger. No variance is required for combined accessory structure area in this instance. The proposed structure is clearly accessory to the primary structure on the property as the detached dwelling's footprint covers approximately 14 times the amount of area as the proposed structure and the proposed structure represents 0.29% of the total lot area. Further, the subject property has a deep rear

yard, and the proposed structure is located in a manner which exceeds all required setbacks, mitigating potential impacts to neighbouring lots.

Variances #4 and #6 request an increase in the driveway width. Under the zoning by-law, the maximum driveway width permitted on a property of this size, is 10.5 metres (34.45ft) within 6 metres (19.69ft) of the garage face, if it provides direct access to the garage and 8.5 metres (27.89ft) beyond 6 metres (19.69ft.) of the garage face. The intent of this provision is to facilitate the entrance into a 3-car garage, while also limiting the width closer to the street in order to mitigate impacts to the streetscape. Staff recognise the unique entryway of the property with reference to 0 Bernida Road and are cognizant of the required driveway to facilitate entrance to the property. Staff note that the portion of the driveway towards the street is measured at 6.95m and that the increased width is required to facilitate entrance to the garage. Further, staff are satisfied that the increase will not negatively impact the streetscape.

Variances #7 and #8 pertain to walkways attachments. The intent of this regulation is to limit excessive hard surfaces within the yard and to provide a convenient and dedicated pathway to accommodate pedestrians as well as define an entryway to the dwelling and that the walkways cannot be utilized for parking purposes. Staff are of the opinion that the proposed walkways are appropriately sized for the subject property. Given the nature of the walkway design, staff are satisfied that the walkways will not accommodate vehicular access and parking. Planning staff are of the opinion that the proposed walkway generally maintains the intent of the by-law.

Variance #5 requests an increase in the dwelling depth. The intent of the zoning by-law in regulating the dwelling depth is to minimize any impact of long walls on neighbouring lots as a direct result of the building massing. Staff note that due to the staggered design of the dwelling, the depth is calculated at an angle. Staff are of the opinion that the increase in dwelling depth is appropriate in this instance as the variance is required to only facilitate a small portion of the dwelling. Additionally, staff are satisfied that architectural features break up the massing, minimizing the overall impact. Further, no variance is required for lot coverage or gross floor area, mitigating potential massing impacts. Lastly, the dwelling is adequately setback from neighbouring properties, limiting impacts of long walls.

Variance #9 pertains to garage area. The intent in restricting the size of an attached garage is to ensure that the detached dwelling remains residential in nature and that the majority of the structure's ground floor area is attributed to livable space, rather than storage space. Staff are of the opinion that the proposed increase is suitable in this instance and does not negatively impact the streetscape. Staff are satisfied that the garage is appropriately sized for both the lot and the dwelling. Staff are of the opinion that the garage will not pose any massing concerns or take away from the residential nature of the dwelling.

Given the above, staff are satisfied that the requested variances maintain the general intent and purpose of the zoning by-law.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The requested variances represent appropriate development of the lands. The request is minor and is compatible with the surrounding context. Staff are satisfied that the proposal represents appropriate development of the subject lands. The variances, both individually and cumulatively,

are minor in nature and the proposal will not create any undue impacts to adjoining properties or the planned or existing character of the area.

Comments Prepared by: Shivani Chopra, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

Our previous comments for the November 21, 2024 hearing identified the applicant would need to further discuss both servicing and access constraints with The City as there is no Municipal frontage to access Parkland Avenue. Following the November 21, 2024 hearing the applicant and their team approached the City regarding a land exchange proposal. The proposal was found to be satisfactory and Realty has taken the lead on further coordination.

Our Realty Section has advised that the applicant has begun the process for their acquisition of the City owned Bernida Road lands in order to obtain Municipal frontage on Parkland and achieve site servicing of the property. As part of the exchange the City will receive the top of bank hazard lands at the rear of the property. The details of the exchange are yet to be fully realized following appraisal of both properties coordinated by the City at the applicant's expense. The conditions of the exchange will be solicited to the applicant for further coordination/finalization.

Realty advises that the process of the applicant acquiring the City owned lands will take some time. The lands will need to be declared as 'surplus lands' by The City, a report will need to be prepared to go to Council as well as Draft 'R' Plans prepared by the applicant.

Considering this information, we recommend that the Committee of Adjustment Minor Variance application be approved on the condition that documented evidence of the land exchange is provided. Proceeding this way confirms our support of the variance application while minimizing risk to the City that could be associated with a premature approval ahead of the finalization of the exchange. Conditional approval also mitigates the need for the applicant and Committee to revisit the matter by way of a deferral at a later date.

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South

Appendix 2 – Parks, Forestry & Environment

Forestry Comments

The Forestry Section of the Community Services Department has reviewed the above noted minor variance application and advises as follows:

1. No public trees shall be injured or removed. If public tree injury or removal is required, a permit must be issued as per By-law 0020-2022.

2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Permit Application, written consent must be obtained by both parties.

An Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Additionally, Forestry notes that an encroachment agreement needs to be approved for the construction works and installation associated with Bernida Road. This encroachment agreement will require a Tree Inventory and Arborist Report as per City of Mississauga Terms of Reference Arborist Reports, Tree Inventory/Survey & Tree Preservation Plans (September 2022).

Should further information be required, please contact Jamie Meston, Landscape Technician, Forestry Section, Community Services Department at 905-615-3200 ext. 4264 or via email jamie.meston@mississauga.ca.

Comments Prepared by: Jamie Meston, Landscape Technician

Appendix 3 – Region of Peel Comments

Please note that our previous comments still apply.

Comments Prepared by: Petrele Francois, Junior Planner